

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

JONATHAN AZURIN, individually and
for others similarly situated,

Plaintiffs,

v.

BIO-MEDICAL APPLICATIONS OF
CALIFORNIA, INC. and FRESENIUS
MEDICAL CARE HOLDINGS, INC.
d/b/a FRESENIUS MEDICAL CARE
NORTH AMERICA

Defendants.

Civil Action No. 1:23-cv-11585-AK

JOINT NOTICE OF SETTLEMENT

Defendants, Bio-Medical Applications of California, Inc. and Fresenius Medical Care Holdings, Inc. d/b/a Fresenius Medical Care North America (“Defendants”), and Plaintiff, Jonathan Azurin (“Plaintiff”) (collectively referred to as “Parties”), by and through their undersigned counsel, provide this Joint Notice of Settlement and state as follows:

1. The Parties have reached an agreement to resolve Plaintiff’s individual claims in connection with related litigation and to dismiss this civil action.
2. The Parties are in the process of negotiating the terms of a settlement agreement.
3. The Parties want to avoid further litigation costs while negotiating the terms of the settlement and, therefore, respectfully request the Court dismiss this matter without prejudice to either party moving to reinstate the matter within 60 days.
4. The Parties anticipate being able to finalize the settlement’s terms and move for dismissal with prejudice within this 60-day period.

WHEREFORE, the Parties provide their Joint Notice of Settlement, and respectfully request that the Court dismiss this action without prejudice to either party to move to reinstate this action within the next 60 days.

Dated: October 4, 2024

Respectfully submitted,

BIO-MEDICAL APPLICATIONS OF
CALIFORNIA, INC. and FRESENIUS
MEDICAL CARE HOLDINGS, INC. d/b/a
FRESENIUS MEDICAL CARAE NORTH
AMERICA

By: /s/ Melissa A. Huether

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Dated: October 4, 2024

Respectfully submitted,

JONATHAN AZURIN

By: /s/ Richard M. Schreiber

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CERTIFICATE OF SERVICE

I hereby certify that on this date, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ *Melissa A. Huether*

Melissa A. Huether